



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor  
Dee Freeman, Secretary

July 30, 2012

CERTIFIED MAIL 7009 1680 0000 7515 3172  
RETURN RECEIPT REQUESTED

Bryan Steen – Burke County Manager  
P.O. Box 219  
Morganton, NC 28680

SUBJECT: **Notice of Violation**  
Compliance Inspection Report  
Johns River Construction and Demolition (C&D) and  
Closed Municipal Solid Waste (MSW) Landfills  
Permit No. 12-03  
Burke County

Dear Mr. Steen,

On July 9, 2012 Bill Wagner, representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina solid waste statutes and rules. Lowell Robinson and Greg Watts were present and represented the Johns River C&D and MSW Landfills during this inspection. The following violations were noted:

1. **15A NCAC 13B .0534(f)(2) "Cover Material Requirements" states in part: "... areas which will not have additional wastes placed on them for three months or more, but where final termination of disposal operations has not occurred, must be covered and stabilized with vegetative ground cover or other stabilizing material."**

Burke County is in violation of 15A NCAC 13B .0542(f)(2) in that it failed to maintain a vegetative ground cover or other stabilizing material on the northern and western slopes of the C&D landfill which have not received wastes within the past three months, nor has final termination of disposal operations occurred in this area.

2. **15A NCAC 13B .1626(7)(c) "Closure Requirements states: "Provisions for a vegetative ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of MSWLF development."**

Burke County is in violation of 15A NCAC 13B .1626(7)(c) in that it failed to maintain a vegetative ground cover sufficient to restrain erosion on the southern slopes of the closed MSW landfill.

## **COMPLIANCE SCHEDULE**

Based upon the foregoing, the Johns River C&D and MSW Landfills / Burke County shall come into compliance with all requirements of the applicable regulations in **15A NCAC 13B .0534(f)(2), and .1626(7)(c)** by completing the following:

### **Corrective Actions:**

1. In order to correct the above cited violation #1, Burke County must insure, within 60 days of receipt of this Notice, that a vegetative ground cover sufficient to restrain erosion is established on the northern and western slopes of the C&D landfill, which have not received wastes within the past three months, nor has final termination of disposal operations occurred in this area.
3. In order to correct the above cited violation #2, Burke County must insure, within 60 days of receipt of this Notice, that a vegetative ground cover sufficient to restrain erosion is established on the southern slopes of the closed MSW landfill.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions please contact me at (828) 296-4705 or by e-mail at [bill.wagner@ncdenr.gov](mailto:bill.wagner@ncdenr.gov).

Sincerely,



Bill Wagner  
Environmental Senior Specialist  
Solid Waste Section

encl: Compliance Audit Report- Burke County Johns River C&D Landfill – Conducted on 7/9/12

ec: Mark Poindexter, Field Operations Branch Head – Solid Waste Section  
Jason Watkins, Western District Supervisor – Solid Waste Section  
Jessica Montie, Compliance Officer – Solid Waste Section  
Carson Fisher, General Services Director / County Engineer – Burke County